

ROBERT S. MELCIC, ESQ.
Nevada Bar No. 14923
3315 E. Russell Rd.
Ste. A4-271
Las Vegas, NV 89120
Phone: (702) 526-4235
Clerk: (725) 577-8013
Email: robertmelcic@gmail.com
Attorney for Martrail Robinson

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARTRAIL ROBINSON,

Plaintiff,

vs.

CIRCA RESORTS LLC, a domestic
corporation; BRENDAN CASTILLIO,
Security Investigator for the CIRCA
property; DOE BUSINESS ENTITIES 2
through 10; DOE INDIVIDUALS 2 through
50, inclusive, in their individual and official
capacities,

Defendants.

Case No.: 2:21-cv-01646-ART-BNW

**PLAINTIFF'S MOTION FOR LEAVE
TO FILE A SURREPLY TO
DEFENDANT'S REPLY [ECF 26]
IN SUPPORT OF
DEFENDANT'S MOTION
TO QUASH SERVICE
ON BRENDAN CASTILLIO**

COMES NOW Plaintiff, Martrail Robinson, by and through his counsel, Robert S. Melcic of The Law Office of Robert S. Melcic and files *Plaintiff's Motion for Leave to File a Surreply to Defendant's Reply [ECF 26] in Support of Defendant's Motion to Quash Service on Brendan Castillio* (hereinafter "Castillio," "Surreply," and "Reply," respectively). This *Motion* is brought with the following Memorandum of Points and Authorities, the papers and pleadings on file in this case, the exhibits and attachments, thereto, and any oral argument that this Court may wish to entertain.

//

//

//

MEMORANDUM OF POINTS AND AUTHORITIES

I. SUPPLEMENTAL LEGAL ARGUMENT

Plaintiff files this *Motion for Leave* because Circa's counsel's own *Reply* (**Dkt. 26**) raises significant and concerning issues not discussed in their initial *Motion* (**Dkt. 15**). Specifically, Circa's counsel has admitted only in *Reply* that, when they filed their *Motion to Quash Service*, they did not have Defendant Castillio's consent to represent him. **Dkt. 26, 2:10-11; 6:20; 7:8-15. Dkt. 26-1, 1:15.** This lack of consent raises significant concerns under the Nevada Rules of Professional Conduct, as argued in the *Surreply*.

Circa's counsel's precarious position has created a gray area for Plaintiff's counsel: Plaintiff's counsel has *not* argued that Castillio has appeared as a defendant before this Court. But, Circa's counsel has represented to the Court that they are Castillio's counsel. Additionally, Circa has misrepresented facts about Plaintiff's counsel's position that counsel wishes to correct. Finally, Plaintiff's counsel wishes to raise a defense regarding service under FRCP 4.

Unless this *Motion for Leave* is granted, Plaintiff will have had no opportunity to respond to these additional issues.

II. CONCLUSION

Plaintiff's *Motion for Leave* should be granted in order to address Defendant Circa's newest contention which it did not raise in its initial *Motion* (**Dkt. 15**)—that, when it acted, Circa's counsel it had no consent from Castillio to act on his behalf.

Dated this 17th Day of June, 2022.

The Law Offices of Robert S. Melcic

/s/ Robert S. Melcic
ROBERT S. MELCIC, ESQ.
Nevada Bar No. 14923
3315 E. Russell Rd.
Ste. A4-271
Las Vegas, NV 89120
Phone: (702) 526-4235
Clerk: (725) 577-8013
Email: robertmelcic@gmail.com
Attorney for Martrail Robinson

ORDER

IT IS SO ORDERED

DATED: 6:03 pm, June 21, 2022


BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

Exhibits Attached to Plaintiff's *Motion for Leave to File a Surreply*

| Exhibit Number | Exhibit Name | Pages in Exhibit |
|----------------|--|------------------|
| 1 | Surreply to Defendant's Reply [ECF. 26] in Support of Defendant's Motion to Quash Service on Brendan Castillio | 9 |
| 2 | E-mails between counsel | 3 |

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2022, I caused to be served a copy of the foregoing *Plaintiff's Motion for Leave to File a Surreply to Defendant's Reply [ECF 26] in Support of Defendant's Motion to Quash Service on Brendan Castillio* by electronic filing through the District Court's CM/ECF system, addressed to:

DICKENSON WRIGHT PLLC
CYNTHIA L. ALEXANDER, ESQ.
Nevada Bar No. 6718
KERRY E. KLEIMAN, ESQ.
Nevada Bar No. 14071
3883 Howard Hughes Parkway
Suite 800
Las Vegas, NV 89169
Tel: 702-550-4400
Fax: 844-670-6009
Email: CAlexander@dickinsonwright.com
Email: KKleiman@dickinsonwright.com
Attorneys for Defendant, Circa Resorts, LLC

RESNICK & LOUIS, P.C.
CARISSA YUHAS, ESQ.
Nevada Bar No. 14692
8925 W. Russell Road
Suite 220
Las Vegas, NV 89148
Tel: 702-850-2680
Email: cyuhas@rlattorneys.com
Attorneys for Defendant, Circa Resorts, LLC

/s/ Geneviève G. Generaux
An employee of
The Law Office of Robert S. Melcic